

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**IN RE NEW MOTOR VEHICLES  
CANADIAN EXPORT ANTITRUST  
LITIGATION**

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**CIVIL No. 03-1532-P-H  
[MDL NO. 1532]**

In these lawsuits, purchasers of new automobiles have sued American and Canadian automobile manufacturers, distributors and dealers' associations. They claim that an unlawful conspiracy existed among automobile manufacturers, distributors, dealers and dealers' associations to prevent new motor vehicles sold in Canada from being imported to the United States. The manufacturers, distributors and dealers' associations deny these assertions. The plaintiffs are asking the court to let the lawsuits proceed as a class action. Lawsuits making these claims in various federal courts around the country have been transferred to Maine for pretrial proceedings before United States District Judge D. Brock Hornby. The parties have agreed that the transferred actions (and any claims filed in Maine) will remain in Maine following pretrial proceedings, for final trial preparation and trial.

On March 4, 2004, Judge Hornby dismissed three Canadian automobile distributors from these lawsuits for lack of personal jurisdiction, and deferred deciding whether to dismiss another Canadian distributor pending further jurisdictional discovery. Judge Hornby also decided that the purchasers' federal claim for injunctive relief can proceed in full, but not their claim for federal money damages.

The plaintiffs then amended their complaint to add state antitrust, consumer protection and restitution claims. On December 8, 2004, Judge Hornby dismissed some of these state law claims, for states that do not permit

indirect purchaser recovery and states that require allegations of fraudulent or deceptive conduct for consumer protection recovery. Judge Hornby dismissed the restitution claims against the dealers' associations but permitted the restitution claims to stand for states whose antitrust or consumer protection claims survived the motion to dismiss.

For the federal antitrust claim, the plaintiffs will be seeking to certify one nationwide injunctive class. For the state law claims, Judge Hornby permitted the parties to designate up to three exemplar classes each, grouped by state or subject matter, on which they will initially proceed in arguing for or against class certification.

For more information, contact Local Liaison Counsel.

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